

بَعْضُ الشُّبُهَاتِ بِالنِّسْبَةِ الْحُكْمِ عَلَى الظَّاهِرِ

Some *shubuhāt* (doubts) in connection with
judging upon the apparent

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Some *shubuhāt* (doubts) in connection with judging upon the apparent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah the Most Beneficent, the Most Merciful.

Regarding the issue of judging upon the apparent, despite of it being extremely simple and straight forward, then the people of innovation and misguidance insist on bringing their arguments for their faulty beliefs, and some of them even accuse the people of the *Sunnah* as being “misguided” and “mistaken” as they dare to say.

So we will not leave them to preach their misguidance, and we will not remain quiet when they daringly challenge the *Sunnah* and arrogantly expose their discontent with what the *Sahābah* (*radiAllāhu ‘anhum*) and the generations of scholars after them were content with. So we mention their arguments and the easy refutation thereof to remove the doubts of the doubters, and as a blow to the arrogant and haughty deniers of the *Sunnah*.

Allāh – the Exalted – said:

وَلَا يَأْتُونَكَ بِمَثَلٍ إِلَّا جِئْنَاكَ بِالْحَقِّ وَأَحْسَنَ تَفْسِيرًا

“They do not bring you an example, except that We bring you the truth and the best explanation.” (Al-Furqān 25:33)

Verily the truth is what came from Allāh – the Exalted – and His Messenger (*sallAllāhu ‘alayhi wa sallam*) in accordance with how the *Salaf* understood and implemented it, and what is besides this is misguidance and destruction for the one who follows it.

And no Muslim will claim that the religion has the need to be renewed or that it is not suitable for this time, except that he falls in the *kufr* of the secularist who claim that the laws and judgments of Islām are not suitable for this time that we live in, that they are old-fashioned, that they are brutal and violent or that implementing them would cause corruption in the lands.

So be aware of this claim, for verily is it more serious and more calamitous than some people assume it is. Verily, the one whom Allah sees goodness in, then He will guide him.

Establishment: The *manhaj* of the *Salaf* is judging upon the apparent signs

The Prophet (sallAllāhu ‘alayhi wa sallam) said:

مَنْ صَلَّى صَلَاتَنَا وَاسْتَقْبَلَ قِبْلَتَنَا وَأَكَلَ ذَبِيحَتَنَا فَذَلِكَ الْمُسْلِمُ الَّذِي لَهُ ذِمَّةُ اللَّهِ وَذِمَّةُ رَسُولِهِ فَلَا تُخْفَرُوا اللَّهَ فِي ذِمَّتِهِ

“Whoever prays our prayer, faces our qiblah and eats from what we have slaughtered, then this is the Muslim who has the protection of Allāh and the protection of His Messenger. So do not betray Allāh in His protection (by violating it).” (Sahīh Al-Bukhārī)

Humayd ibn Abu Humayd At-Tawīl said:

سَأَلَ مَيْمُونُ بْنُ سِيَّاهٍ أَنَسَ بْنَ مَالِكٍ، قَالَ: يَا أَبَا حَمْزَةَ، مَا يُحَرِّمُ دَمَ الْمُسْلِمِ وَمَالَهُ؟ فَقَالَ: مَنْ شَهِدَ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ، وَاسْتَقْبَلَ قِبْلَتَنَا، وَصَلَّى صَلَاتَنَا، وَأَكَلَ ذَبِيحَتَنَا، فَهُوَ مُسْلِمٌ، لَهُ مَا لِلْمُسْلِمِينَ، وَعَلَيْهِ مَا عَلَى الْمُسْلِمِينَ.

“Maymūn ibn Siyāh asked Anas ibn Mālik (radiAllāhu ‘anhu) and said: ‘O Abū Hamzah, what prohibits the blood of a Muslim and his wealth?’ So he said: ‘If he testifies to Lā ilāha illa Allāh and that Muhammad is Rasūl-Allāh, he faces our Qiblah, he prays our prayer and he eats our slaughter, then he is a Muslim. He has what the Muslims have (of rights), and upon him is what is upon the Muslims (of obligations).” (Al-Bukhārī and An-Nasāī – *sahīh*)

Harb ibn Ismā‘īl Al-Karmānī narrated the agreement of *Ahlus-Sunnah wal-Jamā‘ah* in this issue in his book “As-Sunnah”. First he said:

هذا مذهب أئمة العلم، وأصحاب الأثر، وأهل السنة المعروفين بها، والمقتدى بهم فيها، وأدركت من أدركت من علماء أهل العراق والحجاز والشام وغيرهم عليها. فمن خالف شيئاً من هذه المذاهب، أو طعن فيها، أو عاب قائلها فهو مبتدع خارج من الجماعة، زائل عن منهج السنة، وسبيل الحق. وهو مذهب أحمد، وإسحاق بن إبراهيم بن مخلد، وعبدالله بن الزبير الحميدي، وسعيد بن منصور وغيرهم ممن جالسنا، وأخذنا عنهم العلم

“This is the madhhab (path, way, belief) of the leaders of knowledge, the people of narrations, and the people of Sunnah – those who are known for it (i.e. the Sunnah) and who are followed it in. And I met whom I met from the scholars of the people of ‘Irāq, Hijāz, Shām and others than them. So whoever opposes anything from these madhāhib (pl. madhhab) or speaks badly of it, or criticizes the one who speaks of it, then he is a mubtadi’ (innovator) who has left the Jamā‘ah, he has deviated from the manhaj of the Sunnah and the Path of Truth. And this is the madhhab of Ahmad, Ishāq ibn Ibrāhīm ibn Makhlad, ‘Abdullāh ibn Az-Zubayr Al-Humaydī, Sa‘īd ibn Mansur and others than them, among those whom we sat with and whom we took knowledge from.” (As-Sunnah by Al-Karmānī)

Then he said specifically about this issue:

والكف عن أهل القبلة لا نكفر أحداً منهم بذنب، ولا نخرجه من الإسلام بعمل، إلا أن يكون في ذلك حديث، فيروى الحديث كما جاء وكما روي، ويصدق به ويقبله

“And withholding the hand (i.e. not harming) Ahlul-Qiblah (those who pray), and we do not declare takfīr upon any of them due to a sin (they performed), and we do not exit them from Islām due to any deed, except if there is a hadīth regarding it. Then the hadīth is narrated just as it has been reported, and it is believed in and accepted.” (As-Sunnah by Harb Al-Karmānī)

And Al-Barbahārī said the same when establishing the *Sunnah* which the *Salaf* were upon:

ولا نخرج أحداً من أهل القبلة من الإسلام، حتى يردّ آيةً من كتاب الله، أو يردّ شيئاً من آثار رسول الله ﷺ، أو يذبح لغير الله، أو يصلي لغير الله، فإذا فعل شيئاً من ذلك فقد وجب عليك أن تخرجه من الإسلام، وإذا لم يفعل شيئاً من ذلك فهو مؤمن مسلم بالاسم لا بالحقيقة

“And we do not exit anyone from Ahlul-Qiblah (those who pray) from Islām, before he rejects a verse from the Book of Allāh, or he rejects something from the narrations of the Messenger of Allāh (sallAllāhu ‘alayhi wa sallam), or he slaughters for others than Allāh, or prays for others than Allāh. Then if he does any of this, then it is verily obligatory upon you to exit him from Islām (i.e. to declare takfīr upon). And if he doesn’t do any of this, then he is a believer and a Muslim by name, not in reality.” (Sharh As-Sunnah by Al-Barbahārī)

And these words are more than sufficient in this issue for the follower of the *Sunnah*; the one who finds the Qurān, the *Sunnah* and the narrations of the *Salaf* sufficient, and he stops where the *Salaf* stopped.

Furthermore, already at this point it can be concluded that not accepting the apparent Islamic signs is a *bid’ah* since the scholars narrated the *ijmā’* (agreement) of the *Salaf* regarding accepting the apparent signs, while this evil opinion opposes their *madhhab*. And everything which opposes their *madhhab* is an innovation that has no place in the religion.

Shubhah (doubt) nr. 1: Dār al-Islām vs Dār Al-Kufr

They say: “We accept the words of the Salaf, but these were all regarding people who lived in dār al-Islām (the land of Islām), while we now live in dār al-kufr and the scholars have said that whoever is in a dār (land) then he is from its people. So we only follow them and judge the people according to where they live.”

We say: You are inventing a lie against the Salaf, either due to ignorance of their way, or due to being a cursed liar. The qā'idah (principle) which you are referring to is the one mentioned by Ibn Qudāmah in “Al-Mughnī” when he said:

فَصَلِّ: وَإِنْ وُجِدَ مَيِّتٌ، فَلَمْ يُعْلَمْ أُمْسِلِمَ هُوَ أَمْ كَافِرٌ: نُظِرَ إِلَى الْعَلَامَاتِ، مِنَ الْحِتَانِ، وَالْثِّيَابِ، وَالْخِصَابِ. فَإِنْ لَمْ يَكُنْ عَلَيْهِ عِلَامَةٌ: وَكَانَ فِي دَارِ الْإِسْلَامِ، غُسِّلَ، وَصُلِّيَ عَلَيْهِ. وَإِنْ كَانَ فِي دَارِ الْكُفْرِ، لَمْ يُغَسَّلْ، وَلَمْ يُصَلَّ عَلَيْهِ. نَصَّ عَلَيْهِ أَحْمَدُ، لِأَنَّ الْأَصْلَ أَنَّ مَنْ كَانَ فِي دَارٍ، فَهُوَ مِنْ أَهْلِهَا، يَثْبُتُ لَهُ حُكْمُهُمْ مَا لَمْ يَتِمَّ عَلَى خِلَافِهِ دَلِيلٌ

“Chapter: And if a dead person is found, and it is not known whether he is a Muslim or he is a kāfir, then there is looked at the signs of circumcision, clothes and dying (hair with hennā). Then if there is no sign upon him and he is in dār al-Islām, then he is washed and prayed upon, and if he is in dār al-kufr, then he is not washed and not prayed upon. Ahmad said this. Because the principle is that whoever is in a dār (land) then he is from its people and he is given their judgment, as long as there is no evidence for this.” (Al-Mughnī by Ibn Qudāmah)

And there are many similar quotes in the books of *fiqh*.

As for the refutation of this *shubhah*, then it is verily simple:

1) The quote is an argument against you. Ibn Qudāmah said that if the person is dead you judge him upon the apparent, and if he is alive then you judge him upon the apparent. And in this specific quote it is mentioned that the dead unknown person – whether or not he is found in dār al-Islām or dār al-kufr – then he is judged upon things like circumcision, clothes and the dye of his hair, which are not even definite signs of Islām, rather they are indications. Then what about an unknown person who shows what the Islamic legislation without a doubt has determined as being definite signs of Islām?

Nowhere in this quote the argument for testing or questioning a person who shows the Islamic signs before giving him the judgment of Islām can be found.

2) As for his words:

“Because the principle is that whoever is in a dār (land) then he is from its people and he is given their judgment, as long as there is no evidence for other than this.”

Then we say: These countries today are all *diyār al-kufr*. Some of them are ruled by democracy, some by communism, some by secularism, some by dictators and others by whatever types of unjust ideologies that man has invented.

So we ask you: When you are in any of these countries and you see a man confessing to Islām, saying the *Shahādah*, praying the Islamic prayer and bearing the appearance of a Muslim, then you cannot flee from doing one of two things:

* Either you accept the signs of Islām which have been described and say: *“These signs are the dalīl (evidence) which Ibn Qudāmah mentioned as being the dalīl for him opposing the religion and people of the land that he is in.”* And this is correct.

* Or you say: *“These things do not prove for me that he has opposed the religion of the country that he lives in so I do not judge him as a Muslim based upon this.”*

And the necessity of this saying is that for you a person not showing any *kufr* or *shirk* while practicing the signs which have been agreed upon to be the signs of Islām has the same judgment as a secularist, communist, democrat etc. openly showing his *kufr* and *shirk*. This is without a doubt belittling the evidences and the signs of Islām.

Furthermore the evidences have also spoken of situations where the one saying *Lā ilāha illa Allāh* and he was from the *kuffār* of *dār al-kufr*, were given the protection and name of Islām merely by saying this.

Usāmah bin Zayd (*radiAllāhu ‘anhu*) said:

قَالَ بَعَثَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي سَرِيَّةٍ فَصَبَّحْنَا الْحُرَقَاتِ مِنْ جُحَيْنَةَ فَأَدْرَكْتُ رَجُلًا فَقَالَ لَا إِلَهَ إِلَّا اللَّهُ فَطَعَنْتُهُ فَوَقَعَ فِي نَفْسِي مِنْ ذَلِكَ فَذَكَرْتُهُ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَقَالَ لَا إِلَهَ إِلَّا اللَّهُ وَقَتَلْتُهُ قَالَ قُلْتُ يَا رَسُولَ اللَّهِ إِنَّمَا قَالَهَا خَوْفًا مِنَ السَّلَاحِ قَالَ أَفَلَا شَفَقْتَ عَنْ قَلْبِهِ حَتَّى تَعْلَمَ أَقَالَهَا أَمْ لَا فَمَا زَالَ يُكْرِزُهَا عَلَيَّ حَتَّى تَمَنَيْتُ أَنْ أُسَلِّمَتْ يَوْمَئِذٍ قَالَ فَقَالَ سَعْدٌ وَأَنَا وَاللَّهِ لَا أَقْتُلُ مُسْلِمًا حَتَّى يَفْتُلَهُ دُو الْبُطَيْنِ يَعْنِي أُسَامَةَ

“The Messenger of Allāh (sallAllāhu alayhi wa sallam) sent us on an expedition. We attacked Huruqāt of Juhaynah in the morning, and I found a man who said: Lā ilāha illa Allāh. So I struck him (and killed him), and I found something (of rejection) in myself regarding that. So I mentioned it to the Prophet (sallAllāhu alayhi wa sallam). So the Messenger of Allāh (sallAllāhu alayhi wa sallam) said: ‘Did he say Lā ilāha illa Allāh and then you killed him? He said: I said: ‘O Messenger

of Allāh, he verily said it out of fear from the weapon.' He said: 'Then did you split open his heart to know whether it said it or not?' And he kept on repeating that to me until I wished that I would not have become a Muslim before that day." He (Ibn Abū Shaybah, i.e. the narrator of the hadīth) said: So Sa'd (ibn Abū Waqqās) said: 'And me, by Allāh, I would never kill a Muslim, just like the owner of a small belly (i.e. Usāmah) did.'" (Sahīh Muslim)

This is clearly a situation of an attack against a people who were not Muslims, and the man here killed was an unknown *kāfir* before the encounter between him and Usāmah (*radiAllāhu 'alayhi wa sallam*). But due to him saying *Lā ilāha illa Allah*, the Prophet (*sallAllāhu 'alayhi wa sallam*) protected his life and wealth – which are the rights of a Muslim – and Sa'd ibn Abū Waqqās witnessed his Islām when he called him a Muslim, as this is narrated in the *hadīth*.

Furthermore it is narrated that Al-Awzā'ī said:

وَمَنْ أُصِيبَ مِنَ الصَّقَالِيَّةِ ، أَوْ الْحَبَشِ ، أَوْ التُّرْكِ ، أَوْ أَهْلِ الْأَدْيَانِ ، أَوْ غَيْرِهِمْ مَنْ لَيْسَ لَهُ دِينٌ يَعْرِفُهُ ، وَلَا يُفْصِحُ ، وَإِنَّمَا دِينُهُ مَا دَعَوْتَهُ إِلَيْكَ أَجَابَكَ إِلَيْهِ فَهُوَ مُسْلِمٌ ، فَإِذَا مَلَكَتَهُ فَلَا تَبِعُهُ مِنْهُمْ ، وَمَنْ أُصِيبَ مِنَ الْكِبَارِ فَادْعُهُ إِلَى الْإِسْلَامِ ، وَعَلِّمُهُ ، فَإِنْ أَبَى فَبِعُهُ إِنْ شِئْتَ مِنْهُمْ وَإِسْلَامُهُ أَنْ يَقُولَ : لَا إِلَهَ إِلَّا اللَّهُ . قُلْتُ : فَإِنْ قَالَهَا بِلِسَانِهِ ، وَلَمْ يَعْرِفْ ذَلِكَ بِقَلْبِهِ ؟ قَالَ : إِذَا قَالَهَا فَهُوَ مُسْلِمٌ ، ثُمَّ تُعَلِّمُهُ بَعْدُ . "

"And whoever is taken (as prisoners of war) from the Saqālibah (Slavic people), or Al-Habash (Ethiopians) or the Turks, or from the people of other religions, or other than these from those who have a religion which he does not know, and he does not know to speak properly, then verily his religion is that which you invite him towards you, then if he accepts then he is Muslim. Then if you own him, then do not sell him to them. And whoever is taken from the adults then invite him towards Islām and teach him, then if he refuses you can sell him to them. And his Islām is that he says: Lā ilāha illa Allāh.' I (Ibn Abū Unaysah) said: 'What if he says it with his tongue and he doesn't know this in his heart?' He said: 'If he says it then he is Muslim, then you can teach him afterwards.'" (As-Sayr by Abū Ishāq Al-Fazārī)

This quote only testifies to and agrees with the teachings of the Messenger of Allāh (*sallAllāhu 'alayhi wa sallam*), that even if a person is in *dar al-kufr* and he utters the *Shahādah* and ascribes to Islām, then the Muslims have no right to declare *takfīr* upon him until he shows *shirk* or *kufr* from himself.

So if you at this points retreat from saying: "We judge him upon the *dār* (land) that he lives in", then this is what is wanted. But if you insist and say: "We still judge him according to the *dār*", then your stubbornness and arrogance have become clear and you are only following desires since your argument has been rendered invalid.

Shubhah (doubt) nr. 2: The Salaf used to test people in 'aqidah

They say: *"It has verily been narrated from the Salaf that when the bida' (innovation) spread then they would test the people in the issues of Sunnah, so we are merely following them and doing the same."*

We say: It is true that there exist narrations from the Salaf describing that they would test persons in the Sunnah if there was a need for this, such as if they wanted to narrate *hadith* to him, or to avoid listening to the narration of the innovators.

Al-Barbahārī mentions this when he said:

والحنة في الإسلام بدعة وأما اليوم فيمتحن بالسنة لقوله إن هذا العلم دين فانظروا ممن تأخذون دينكم ولا تقبلوا الحديث الا ممن تقبلون شهادته فانظر إن كان صاحب سنة له معرفة صدوق كتبت عنه وإلا تركته.

"And testing in Islam is a bid'ah (innovation). But today then the testing is made in the Sunnah due to his words: 'Verily this knowledge is religion, so beware from whom you take your religion. And do not accept the ahādīth except from those whom you accept the testimony.' So look (at the person), if he from the people of Sunnah and he has knowledge and he is truthful then you can write from him, and if not then you leave him." (Sharh As-Sunnah by Al-Barbahārī)

'Abdullāh ibn Ahmad narrated:

حَدَّثَنِي مُحَمَّدُ بْنُ مُحَمَّدٍ بْنُ عَمَرَ بْنِ الْحَكَمِ أَبُو الْحَسَنِ بْنُ الْعَطَّارِ، حَدَّثَنَا إِبْرَاهِيمُ بْنُ زِيَادٍ سَبَلَانُ، قَالَ: سَأَلْتُ عَبْدَ الرَّحْمَنِ بْنَ مَهْدِيٍّ فَقُلْتُ: مَا تَقُولُ فِيمَنْ يَقُولُ: الْقُرْآنُ مَخْلُوقٌ فَقَالَ: "لَوْ كَانَ لِي عَلَيْهِ سُلْطَانٌ لَقُمْتُ عَلَى الْجِسْرِ فَكَانَ لَا يَمُرُّ بِي رَجُلٌ إِلَّا سَأَلْتُهُ فَإِذَا قَالَ: الْقُرْآنُ مَخْلُوقٌ صَرَبْتُ عُنُقَهُ وَأَلْقَيْتُ رَأْسَهُ فِي الْمَاءِ "

"Muhammad ibn Muhammad ibn 'Umar ibn Al-Hakam Abū Al-Hasan ibn Al-'Attār narrated to me (and said): Ibrāhīm ibn Ziyād Sabalān narrated to us and said: "I asked 'Abdur-Rahmān ibn Mahdī saying: 'What do you say regarding the one who says: The Qurān is created?' So he said: 'If I had the authority to do it, then I would stand on a bridge, and then no man would pass me by except that I would ask him (regarding the Qurān). Then if he said: The Qurān is created, I would behead him and throw his head in the water.'" (As-Sunnah by 'Abdullāh)

And Abu Nu'aym narrated regarding Sulaymān At-Taymī:

كان لا يُحَدِّثُ أَحَدًا حَتَّى يَمْتَحِنَهُ، فَيَقُولُ لَهُ: الزَّيْنُ بَقْدَرٍ؟ فَإِنْ قَالَ: نَعَمْ، اسْتَخْلَفَهُ أَنْ هَذَا دِينُكَ؟ فَإِنْ حَلَفَ حَدَّثَهُ خَمْسَةَ أَحَادِيثَ، وَإِنْ لَمْ يَحْلِفْ لَمْ يُحَدِّثْهُ

“He used to never narrate hadīth to anyone before he would test him. So he would say to him: ‘Is zinā (performed in accordance) with Qadar?’ Then if he said: ‘Yes’, then he would demand him to swear (saying): ‘Is this your religion?’ Then if he would swear then he would narrate five ahādīth, and if he did not swear then he would nor narrate (anything) to him.” (Hilyah Al-Awliyā by Abū Nu’aym)

To this we say:

1) You are not following the *Salaf* in this. The *Salaf* would (1) accept the Islām of the people, and then if a need arose they would (2) test them in the *Sunnah* and (3) then judge. As for you then you (1) declare *takfīr* upon the people, then you (2) test in Islām and then (3) you judge. So where are these two the same??

Takfīr is something which is declared due to a *shar’ī* (Islamically legitimate) reason, and wanting to test a person is a not a reason in the Islamic legislation for invalidating the Islamic signs and establish the judgments which are connected with declaring *takfīr*. Furthermore you will not be able to bring one single quote where the *Salaf* judged a person on beforehand before they tested them. Such as saying: “I think this person is a *qadarī* so I judge him as a *qadarī*”, and then after that testing him whether or not he is a *qadarī*. So if you are truthful in your claim of following the *Salaf* then do as they do, and accept the Islām of a person due to his *Shahādah* and prayer, and then when the need calls for it – such as marriage, befriending, taking knowledge from and other things – then test him in the issues of *Sunnah* and don’t make a judgment upon him until he utters something from himself which the *Qurān* and the *Sunnah* has judged as being *shirk* or *bida’*. This would be in accordance with the *Sunnah* in this issue as it was mentioned by Al-Barbahārī when he said:

ولا نخرج أحداً من أهل القبلة من الإسلام، حتى يُرَدَّ آيةٌ من كتاب الله، أو يردَّ شيئاً من آثار رسول الله ﷺ، أو يذبح لغير الله، أو يصلي لغير الله، فإذا فعل شيئاً من ذلك فقد وجب عليك أن تخرجه من الإسلام، وإذا لم يفعل شيئاً من ذلك فهو مؤمن مسلم بالاسم لا بالحقيقة

“And we do not exit anyone from Ahlul-Qiblah (those who pray) from Islam, before he rejects a verse from the Book of Allāh, or he rejects something from the narrations of the Messenger of Allāh (sallAllāhu ‘alayhi wa sallam), or he slaughters for others than Allāh, or prays for others than Allāh. Then if he does any of this, then it is verily obligatory upon you to exit him from Islām (i.e. to declare *takfīr*). And if he doesn’t do any of this, then he is a believer and a Muslim by name, not in reality.” (Sharh As-Sunnah by Al-Barbahārī)

2) If you insist on testing in Islām then consider sufficient what the Messenger of Allāh (sallAllāhu ‘alayhi wa sallam) and the Sahābah (radiAllāhu ‘anhum) considered sufficient, and what he (sallAllāhu ‘alayhi wa sallam) was ordered by Allah to test with.

Allah – the Exalted – said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَاْمْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ

“O you who believe. If the believing immigrant women come to you, then test them. Allah knows of their īmān. Then if you find them to be believers, then do not return them to the kuffār.” (Al-Mumtahanah 60:10)

At-Tabarī mentions in his *tafsīr* of the verse:

حَدَّثَنِي مُحَمَّدُ بْنُ سَعْدٍ ، قَالَ : ثَنِي أَبِي ، قَالَ : ثَنِي عَمِّي ، قَالَ : ثَنِي أَبِي ، عَنْ أَبِيهِ ، عَنْ ابْنِ عَبَّاسٍ ، قَوْلُهُ { يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ .. } { إِلَى قَوْلِهِ : { عَلِيمٌ حَكِيمٌ } كَانَ اِمْتِحَانَهُنَّ أَنْ يَشْهَدْنَ أَنْ لَا إِلَهَ إِلَّا اللَّهُ ، وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ

“Muhammad ibn Sa’d narrated to me and said: My father narrated to me and said: My uncle narrated to me and said: My father narrated to me, from his father, from Ibn ‘Abbās (regarding) His words: “O you who believe. If the believing immigrant women come to you.” Until His words: “All-Knowing All-Wise.” Their test would be that they testified to La ilāha illa Allāh and Muhammadun Rasūl-Allāh.” (Tafsir At-Tabari)

So this is the testing of the Prophet (sallAllāhu ‘alayhi wa sallam) in Islām. So why do you not accept and consider sufficient what the Prophet (sallAllāhu ‘alayhi wa sallam) accepted and considered sufficient? And do you know that what you are doing is the exact *manhaj* of the *Khawārij*?

Al-Lālakāī narrated:

عن حميد بن هلال عن عبادة بن قرط الليثي، أنه قال للخوارج حين أخذوه بالأهواز : ارضوا مني بما رضي رسول الله ﷺ حين أسلمت. قالوا: وما رضي به منك رسول الله ﷺ ؟ قال: أتيتته فشهدت أن لا إله إلا الله، وأن محمداً رسول الله، فقبل ذلك مني. قال: فأبوا، فقتلوه

“From Humayd ibn Hilāl (who said) regarding ‘Ubādah ibn Qurt Al-Laythī that he said to the Khawārij when they took him in Al-Ahwāz: ‘Be pleased with (i.e. consider sufficient) the same from me as the Messenger of Allāh (sallAllāhu ‘alayhi wa sallam) was pleased with when I accepted Islām. They said: ‘And what did the Messenger of Allāh (sallAllāhu ‘alayhi wa sallam) consider

sufficient from you?’ He said: ‘I came to him and testified to Lā ilāha illa Allāh and Muhammadun Rasūl-Allāh, and he accepted that from me.’ He (i.e. Humayd) said: ‘But they rejected (to accept that) and killed him.’” (Sharh Usul I’tiqād Ahlus-Sunnah wal-Jamā’ah)

Thus it can be concluded, that your claim to follow the *Salaf* is an invalid claim with no truth to it, since the *Salaf* did not do as you do, rather it is the Khawārij who did what you do. And this argument cannot be used for justifying declaring general *takfīr* upon those showing the apparent signs of Islām today from whom no *shirk* or *kufr* has been seen.

Shubhah (doubt) nr. 3: The Islamic signs today have become a shared factor between the Muslim and the *mushrik*

They say: “The Islamic signs today, such as the *Shahādah*, the prayer and other things, have become a shared signs between the Muslims and the *mushrikūn*, and therefore they cannot be used to determine who is a Muslim and who is not.”

We say: The Islamic signs since the beginning of Islām have always been shared signs between the Muslims and the *munāfiqūn* (hypocrites). Just as the Muslims would utter the *Shahādah*, pray and pay the *zakāt*, then the *munāfiqūn* would do the exact same.

Allāh – the Exalted – said:

إِنَّ الْمُنَافِقِينَ يُخَادِعُونَ اللَّهَ وَهُوَ خَادِعُهُمْ وَإِذَا قَامُوا إِلَى الصَّلَاةِ قَامُوا كُسَالَىٰ يُرَاءُونَ النَّاسَ وَلَا يَذْكُرُونَ اللَّهَ إِلَّا قَلِيلًا

“Verily the *munāfiqūn* try to deceive Allāh, while He is (the One who is) deceiving them. And when they get to (perform) the prayer, they get up lazily (and) showing themselves to the people and they do not remember Allāh except a little.” (An-Nisā 4:142)

And He – the Exalted – said:

وَمَا مَنَعَهُمْ أَنْ تُقْبَلَ مِنْهُمْ نَفَقَاتُهُمْ إِلَّا أَنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَلَا يَأْتُونَ الصَّلَاةَ إِلَّا وَهُمْ كُسَالَىٰ وَلَا يُنْفِقُونَ إِلَّا وَهُمْ كَارِهُونَ

“And nothing prevented for them (i.e. the *munāfiqūn*) that their spendings would be accepted, except that they disbelieved in Allāh and His Messenger. And they do not come to the prayer except lazily, and they do not spend (in the path of Allāh) except unwillingly.” (At-Tawbah 9:54)

So the *munāfiqūn* – who had *kufr* and *shirk* and a wrong ‘*aqidah* in their chest which all was hidden for the Muslims – all said the *Shahādah*, they prayed and they spend some of their money in the path of Allāh as Allāh – the Exalted – mentions. And with these things that they performed outwardly they were given the judgment and name of Islām in *dunyā*, while they will be in the lowest pit of Hellfire in the next life.

So from this aspect this doubt has already been refuted. The Prophet (*sallAllāhu ‘alayhi wa sallam*) would not say: “Now that some people show the signs of Islām while they don’t know

Tawhīd or have not understood Tawhīd, then we have to innovate new signs or new requirements which must be fulfilled in order to judge them as Muslim.”

And Allāh – the Exalted – described the *munāfiqūn* as having no understanding in the religion when He said:

وَلَكِنَّ الْمُنَافِقِينَ لَا يَفْقَهُونَ

“But the *munāfiqūn* they do not understand.” (Al-Munāfiqūn 63:7)

And it is well-known that the hypocrites first appeared after the *hijrah* of the Messenger of Allāh (*sallAllāhu ‘alayhi wa sallam*) to Madīnah – thirteen years after having received the Message – and the establishment of the Islamic state, when they no longer could express their *kufr* freely without this having its consequences. So if anyone had the right and knowledge and wisdom to establish new conditions due to the new circumstances, then this would be the Messenger of Allāh (*sallAllāhu ‘alayhi wa sallam*) who does not speak from his own desires.

Despite of all this, and despite of the existence of *munāfiqūn* (hypocrites) in every time and place, the Prophet (*sallAllāhu ‘alayhi wa sallam*) would not invent new conditions or demand anything else than the signs of Islām in order to give the outwardly judgment and name of Islām in *dunyā*, nor would the *Sahābah* (*radiAllāhu ‘anhum*) nor the *tābi’ūn*, nor the *tābi’ at-tābi’īn*, nor whoever followed them in goodness and remained upon the *Sunnah* until this day of ours.

So we say: That which is the *Sunnah*, and that which the scholars of *Sunnah* of all times have been upon, from the time of the Messenger of Allah (*sallAllāhu ‘alayhi wa sallam*) until those who came after him is: that a person who shows the outwardly signs of Islām which has been described in the Qurān and the *Sunnah* and do not show any nullifiers of Islam along with it, then it is obligatory to give him the judgment and name of Islām and apply the judgments upon which are connected to this. And this is an issue of *ijmā’* (agreement) and it is *ma’lūm min ad-dīn bid-darūrah* (known from the religion with necessity).

Shubhah (doubt) nr. 4: Shirk and kufr is widespread among people

They say: *"We cannot consider the apparent signs of Islam sufficient for giving the judgment of Islām to a person, because in our time shirk and kufr is widespread among the people ascribing themselves to Islām."*

We say: Using the argument that *kufr*, *shirk*, sects etc. are widespread is not a valid argument for leaving the *Sunnah*. Generally because nothing can invalidate the *Sunnah*, and specifically due to the following reasons:

1) After the death of the Prophet (sallAllāhu ‘alayhi wa sallam) many groups of clear *kufr* and *shirk* emerged who ascribed themselves to Islām. Among these were those accepted a false prophet, the Qadariyyah who rejected the *Qadar*, the Jahmiyyah who rejected the Attributes of Allāh, the Rāfidah who cursed the *Sahābah* (radiAllāhu ‘anhum) and others. And many of these sects further divided into even more sects. And the *fitnah* and *kufr* and *shirk* and *bid’ah* was widespread, until it was narrated that in the time of Imām Ahmad (rahimahullāh) at some point he was the only one who did not say that the Qurān was created, which is a statement of clear *kufr*.

Despite of the existence of all these sects and the spread of the misguidance you will not find any quote from any of the *Salaf* where they a person a *jahmī*, or *khārijī*, or *qadarī* before he has said the words of the Jahmiyyah, the Khawārij or the Qadariyyah respectively. Absolutely no-one has had this belief. The *Salaf* were careful and you can find quotes like: *"It is as if the people are in riddah (apostasy)"*, or *"Beware who you sit with and take knowledge from"*, but absolutely no-one has rushed to *takfīr* based upon nothing, or *takfīr* because *"I think"* or *"I have a strong belief"* that he doesn't know Tawhīd or he doesn't know the right *'aqīdah*. So a person cannot flee from the fact that this belief is newly invented and it opposes the *Sunnah*.

2) We are not obliged to know the *'aqīdah* of a person. We are obliged to worship Allāh according to the Qurān and *Sunnah*. And these two have clearly ordered to judge upon the apparent despite that in some situations you have a strong belief that he is not a Muslim. Just read the story of Usāmah bin Zayd (radiAllāhu ‘anhu). And every single time someone came to the Prophet (sallAllāhu ‘alayhi wa sallam) complaining about someone showing the signs of Islām he would say: *"Does he not pray?"* Or he would say: *"I have not been ordered to look into the hearts of people."* And it is more than clear in the evidences from the Qurān and *Sunnah* that some people accepted Islām, not because believing in it, but because they feared being killed and that their wealth would be taken away. And despite

of this the Messenger of Allah (*sallAllāhu ‘alayhi wa sallam*) would accept their claim and leave their affairs to Allāh.

3) Even if this newly invented *bid’ah* – not to give the judgment and name of Islām based upon the outwardly before testing him and knowing his *‘aqidah* – is implemented, then it still doesn’t make any sense. Because all *ahkām* (judgments) in *dunyā* are only outwardly. Even the people we know who speak about Tawhīd and *takfīr* upon the *mushrikūn*, we still cannot say they are true believers. We say we give them the judgment and name of Islām in *dunyā* and their affairs in the next life is with Allāh. Or do we witness Paradise for those people we know in *dunyā* who knows Tawhīd? Of course not! They could be *munāfiqūn* or they could have mistakes in their beliefs which we do not know about.

So when this is said, then the essence of this faulty belief has been revealed; that new conditions for accepting the name of Islām in *dunyā* for a person has been invented which the *Salaf* were not upon. And due to it being a newly invented matter which has no basis in the evidences, there are not clear guidelines in it. Some of them say:

“I accept his Islām if he says I make kufr bit-tāghūt.”

Others say:

“No, I have to hear from him that he disassociates from democracy.”

Others say:

“No, he must also say that the ‘ādhir (excuser of the mushrik) is kāfir.”

And this is the sign of *bid’ah*, lust and desires; that there is no firm standpoint in it because it doesn’t return to any belief from the *Salaf*. Rather it is based upon your own faulty understanding and desires, while you have left following the narrations.

The Prophet (*sallAllāhu ‘alayhi wa sallam*) said:

قَدْ تَرَكْتُكُمْ عَلَى الْبَيْضَاءِ لَيْلُهَا كَنَهَارِهَا لَا يَزِيغُ عَنْهَا بَعْدِي إِلَّا هَالِكٌ

“I have verily left you upon a clear path. Its night is like its day. No-one deviates from it after me, except that he will be destroyed.” (Sunan Ibn Mājah – *sahīh*)

And this belief which you have innovated is not from the *Sunnah* and the path which the Prophet (*sallAllāhu ‘alayhi wa sallam*) described to his Ummah, thus the condition for being destroyed is fulfilled.

Shubhah (doubt) nr. 5: What about Īrān?

They say: “You say that it is *bid’ah* to judge people upon the *dār* (land), but if you yourself go to Īrān then you wouldn’t give all the people praying in the mosques the judgment of Islām. So you yourself declare general *takfīr* just like we do according to the judgment of the country.”

We say: First of all, it is a rule of the *Sunnah* that no examples are given in it, nor are similitudes are put forth with it.

Imām Ahmad said:

وَلَيْسَ فِي السُّنَّةِ قِيَاسٌ، وَلَا تُضْرَبُ لَهَا الْأَمْثَالُ، وَلَا تُدْرِكُ بِالْعُمُولِ وَلَا الْأَهْوَاءُ، إِنَّمَا هُوَ الْإِتِّبَاعُ وَتَرْكُ أَهْوَى.

“And there is no *qiyās* (analogy) in the *Sunnah*, nor are similitudes (or examples) put forth with it. Nor is it comprehended through the intellect nor the desires. Rather it is (solely) to be followed and leaving desires in it.” (Usul As-Sunnah by Imam Ahmad – the *riwāyah* of ‘Abdus)

Al-Barbahārī said:

واعلم رحمك الله أنه ليس في السنة قياس ولا تضرب لها الأمثال ولا تتبع فيها الأهواء بل هو التصديق بآثار رسول الله ﷺ بلا كيف ولا شرح ولا يقال لم ولا كيف.

“And know – may Allah have mercy upon you – that in the *Sunnah* there is no *qiyās* (analogy), nor are similitudes (or examples) put forth with it, nor are desires followed in it. Rather it is the belief in the narrations of the Messenger of Allah (sallAllāhu ‘alayhi wa sallam), without conditioning or explaining, nor is it asked ‘why’ or ‘how’.” (Sharh As-Sunnah by Al-Barbahārī)

And the meaning of the statement: ‘No similitudes (or examples) is put forth with it’, can be found in the following narration by ‘Abdullāh ibn Imām Ahmad who said:

خَدَّثَنِي مُحَمَّدُ بْنُ عَلِيٍّ، قَالَ حَدَّثَنَا إِبْرَاهِيمُ بْنُ بَشَّارٍ، قَالَ: سَمِعْتُ سُفْيَانَ بْنَ عُيَيْنَةَ، يَقُولُ: كَانَ أَبُو حَنِيفَةَ يَضْرِبُ بِحَدِيثِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْأَمْثَالَ فَيُرَدُّهَا. بَلَغَهُ أَنِّي أُحَدِّثُ بِحَدِيثٍ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا فَقَالَ أَبُو حَنِيفَةَ: أَرَأَيْتُمْ إِنْ كَانَا فِي سَفِينَةٍ كَيْفَ يَتَفَرَّقَانِ؟ فَقَالَ سُفْيَانُ: فَهَلْ سَمِعْتُمْ بِأَشَرِّ مِنْ هَذَا

“Muhammad ibn ‘Alī narrated to me and said: Ibrāhīm ibn Bashār narrated to us and said: I heard Sufyān ibn ‘Uyaynah say: ‘Abū Hanīfah used to put forth examples to the *hadīth* of the Messenger of Allāh (sallAllāhu alayhi wa sallam) and then oppose it. It reached him that I narrated a *hadīth* from the Messenger of Allāh (sallAllāhu alayhi wa sallam) where he said: **“Both parties in a business transaction have a right to annul it so long as they have not separated.”** So Abū

Hanīfah said: 'Then what if they are on a ship, how will they separate?' So Sufyān said: 'So did you ever hear anything more evil than this?''

And this is exactly what those who refuse to accept the Qurān, the *Sunnah* and the *āthār* (narrations) on this subject do, when these are presented to them. When the *Sunnī* says to them: '*Allāh and His Messenger (sallAllāhu 'alayhi wa sallam) said...*', then they reply: '*Then what about Īrān?*', and with this they try to invalidate the clear *Sunnah*.

But if they knew the principles of the *Sunnah*, they would know that this is not allowed, and that they in the first place have no right whatsoever to challenge the *Sunnah*, rather everyone must accept it without asking 'how' and 'why'.

Second of all, the fewest of those who hold on to this doubt and use it as an argument for their belief, have ever been to Īrān in the first place, which necessitates that they are invalidating the *Sunnah* based upon some imaginations or news which they have heard, yet never have been able to confirm for themselves.

Therenext, if we really were to compare the apparent signs of the Shī'ah and the Rāfidah – which are those that a person travelling to Īrān is most likely to find – with the apparent signs of the people of *Sunnah*, then the differences become quite obvious.

- 1) They have added to the *Shahādah*, that '*Alī Walī-Allāh* ('Alī is the ally of Allāh), which is not the *Shahādah* which the Prophet (*sallAllāhu 'alayhi wa sallam*) came with.
- 2) They proclaim their innovative *Shahādah* in their call to prayer, which also is opposite to the *Adhān* which the Prophet (*sallAllāhu 'alayhi wa sallam*) made a sign of Islām.
- 3) The one who witnesses the prayer of the Shī'ah and the Rāfidah will not be in doubt that this is not the prayer of *Ahlus-Sunnah*, since it differs from it in many ways.

So when this is said, then the one who goes to Īrān, and stands outside one of their mosques and hears their calling to prayer, and enters the mosque to find them praying another prayer than the Prayer of Muhammad (*sallAllāhu 'alayhi wa sallam*) – he might also witness their stones which they prostrate upon or hear them cursing the *Sahābah* (*radiAllāhu 'anhum*) in or outside their prayer – and he based upon this says: '*These people are kuffār, and I do not pray behind them, nor eat their meat, nor marry them etc.*', then he has done so based upon apparent signs and he cannot be blamed for anything. Or that he hear a specific person testify to the *shahādah* of the Shī'ah and the Rāfidah, or curse the *Sahābah*,

or claim to be a *shī'ī* or *rāfidī*, and he doesn't accept his Islām, then this is also based upon something apparent which he is allowed to base his judgment upon.

But the one who stands outside a mosque and hears a the *Adhān* legislated by the Messenger of Allāh (*sallAllāhu 'alayhi wa sallam*), and he enters the mosque to find the people praying the prayer of Muhammad (*sallAllāhu 'alayhi wa sallam*) – and he might also see them pray the *Sunnah* prayer according to the recommendations of the Prophet (*sallAllāhu 'alayhi wa sallam*) – and he then says: *'These people are kuffār, and I do not pray behind them, nor eat their meat, nor marry them etc.'*, then he has declared *takfīr* upon them based upon absolutely nothing. Rather, he has even invented the lie that the signs of Islām which he has witnessed are no longer are applicable. We seek refuge with Allāh and His Wrath and Punishment. *Āmīn*.

So where and how is it even possible to compare these two scenarios? And how can the whole world be declared *takfīr* upon because there is Shī'ah and Rāfidah in Īrān? We seek refuge with Allāh from poor understanding. *Āmīn*.

Shubhah (doubt) nr. 6: The sayings of the scholars

They say: “We have many quotes from the scholars in which they contradict you and say that the Islamic signs are not accepted in all circumstances, rather in many cases they are not accepted until the person declares himself free from the *kufr* which he was upon. So it is you not following the scholars, while we are simply following them in this issue of *fiqh*.”

We say: You don’t understand the quotes, nor do you know the *Sunnah* in this issue in which you are claiming to have better understanding than the *Sahābah* (radiAllāhu ‘anhum). And before refuting this *shubhah* the two principles in this issue are mentioned in order for the reader to see, that none of the mentioned quotes which are used as arguments in reality is an argument for their claim, rather the quotes themselves are refuting these modern time *Khawārij*. These two principles are:

- 1) If a person is unknown or a *kāfir aslī* that has nothing to do with Islām, then the apparent signs of Islām are accepted from him.
- 2) If the deviant ‘*aqidah* or the *shirk* or the *kufr* of a person is well-known and this person along with this ascribes himself to Islām, then he is not judged as a Muslim until he declares himself free from the *shirk*, *kufr* or deviant ‘*aqidah* which he was upon.

Now pay good attention when reading some of the statements in this issue which they use as an argument:

Ash-Shāfi’ī said:

والإقرار بالإيمان وجهان: "فمن كان من أهل الأوثان ومن لا دين له يدعى أنه دين النبوة ولا كتاب، فإذا شهد أن لا إله إلا الله وأنّ محمداً عبده ورسوله فقد أقرّ بالإيمان ومتى رجع عنه قُتل. قال: ومن كان على دين اليهودية والنصرانية فهؤلاء يدعون دين موسى وعيسى صلوات الله وسلامه عليهما وقد بدلوا منه، وقد أخذ عليهم فيهما الإيمان بمحمد رسول الله ﷺ فكفروا بترك الإيمان به واتباع دينه مع ما كفروا به من الكذب على الله قبله. فقد قيل لي: إنّ فيهم من هو مقيم على دينه يشهد أن لا إله إلا الله وأنّ محمداً عبده ورسوله، ويقول: "لم يبعث إلينا". فإن كان فيهم أحدٌ هكذا فقال أحدٌ منهم: "أشهد أن لا إله إلا الله وأنّ محمداً عبده ورسوله" لم يكن هذا مستكمل الإقرار بالإيمان حتى يقول: "وأنّ دين محمد حقٌّ أو فرضٌ وأبرأ مما خالف دين محمد ﷺ أو دين الإسلام"، فإذا قال هذا فقد استكمل الإقرار بالإيمان، فإذا رجع عنه أُسْتُبِيبَ، فإن تاب وإلا قُتل.

“And the acknowledgement of *īmān* is from two aspects: So whoever is from the worshippers of the idols, who has no religion which is claimed is a religion of prophet-hood, nor does it have a book, then if he testifies to *Lā ilāha illa Allāh* and that Muhammad is His slave and Messenger, then he

has verily acknowledged īmān and if he returns from it he is killed.¹ He said: And whoever is upon the religion of Judaism and Christianity, then these people claim (to be upon) the religion of Mūsā and 'Īsā (salawāt-Allāhu wa salāmuḥu alayhimā), and they verily changed it. And in their religions they were verily ordered to believe in Muhammad (sallAllāhu 'alayhi wa sallam), but they committed kufr by leaving the belief in him and following his religion, along with what they committed kufr in by lying against Allāh before that. And it was verily said to me that some of them remains upon his religion while he testifies to Lā ilāha illa Allāh and that Muhammad is His slave and Messenger, while he says: 'He was not sent to us'. So if there exist anyone among them like this, and one of them says: 'I testify to Lā ilāha illa Allāh and that Muhammad is His slave and Messenger', then he has not completed the acknowledgment of īmān until he says: 'And that the religion of Muhammad is the truth or obligatory, and I disassociate from that which opposed the religion of Muhammad (sallAllāhu 'alayhi wa sallam) or the religion of Islām.' Then if he says this then he has completed the acknowledgment of īmān." (Al-Umm by Ash-Shāfi'ī)

They say: Look how he said: "And it was verily said to me that some of them remains upon his religion while he testifies to Lā ilāha illa Allāh and that Muhammad is His slave and Messenger, while he says: 'He was not sent to us'. So if there exist anyone among them like this, and one of them says: 'I testify to Lā ilāha illa Allāh and that Muhammad is His slave and Messenger', then this is not sufficient in acknowledging iman until he says: 'And that the religion of Muhammad is the truth or obligatory, and I disassociate from that which opposed the religion of Muhammad (sallAllāhu 'alayhi wa sallam) or the religion of Islām.'" And we are simply doing the same.

We say: It is as if you skipped his words: "So if there exist anyone among them like this, and one of them says..."

Imām Ash-Shāfi'ī clearly defined for who this is applicable. If a person is among the Jews or Christians who say Lā ilāha illa Allāh Muhammadun Rasūl-Allāh, but claim that Muhammad (sallAllāhu 'alayhi wa sallam) was not sent to them, then he must acknowledge that Muhammad (sallAllāhu 'alayhi wa sallam) was sent to all of mankind and jinn.

And we add: that if he is among those who say Lā ilāha illa Allāh Muhammadu Rasūl-Allāh, but claim that Sharī'ah can be achieved through democracy, or democracy is allowed, or invoking others than Allāh is allowed, or slaughtering for others than Allāh is allowed, or declaring takfīr upon the mushrik is not from aslud-dīn etc. then he must disassociate from the kufr and shirk which he was upon. And this is in accordance with the words of Ash-Shāfi'ī rahimahullāh.

¹ In an Islamic state, after an Islamic trial. This is **not** to be implemented by the ordinary Muslim.

But where do you find in the quote that a person may be assumed to be from a specific people of *kufr*, and then he must disassociate himself from the *kufr* and *shirk* which you think and assume that he is upon???

A similar quote can be found from Al-Baghawī in his explanation of the *hadīth* of Usāmah bin Zayd (*radiAllāhu ‘anhu*) when he was reprimanded by the Messenger of Allah (*sallAllāhu ‘alayhi wa sallam*) after he killed a man who said *Lā ilāha illa Allāh*. He said:

وَفِيهِ دَلِيلٌ عَلَى أَنَّ الْكَافِرَ إِذَا تَكَلَّمَ بِالتَّوْحِيدِ ، وَجَبَ الْكَفُّ عَنْ قَتْلِهِ . قَالَ الْإِمَامُ : وَهَذَا فِي التَّنَوُّيِّ الَّذِي لَا يَعْتَقِدُ التَّوْحِيدَ إِذَا أَتَى بِكَلِمَةِ التَّوْحِيدِ ، يُحْكَمُ بِإِسْلَامِهِ ، ثُمَّ يُجَبَّرُ عَلَى سَائِرِ شَرَائِطِ الْإِسْلَامِ ، فَأَمَّا مَنْ يَعْتَقِدُ التَّوْحِيدَ ، لَكِنَّهُ يُنْكِرُ الرِّسَالَةَ ، فَلَا يُحْكَمُ بِإِسْلَامِهِ بِمَجَرَّدِ كَلِمَةِ التَّوْحِيدِ حَتَّى يَقُولَ " مُحَمَّدٌ رَسُولُ اللَّهِ " ، فَإِذَا قَالَ ، كَانَ مُسْلِمًا إِلَّا أَنْ يَكُونَ مِنَ الَّذِينَ يَقُولُونَ : مُحَمَّدٌ مَبْعُوثٌ إِلَى الْعَرَبِ خَاصَّةً ، فَحِينَئِذٍ لَا يُحْكَمُ بِإِسْلَامِهِ بِمَجَرَّدِ الْإِقْرَارِ بِالرِّسَالَةِ حَتَّى يُعَيَّرَ أَنَّهُ مَبْعُوثٌ إِلَى كَافَّةِ الْخَلْقِ ، ثُمَّ يُسْتَحَبُّ أَنْ يُتَّخَذَ بِالْإِقْرَارِ بِالْبَعْثِ ، وَالتَّبَرُّؤِ مِنْ كُلِّ دِينٍ خَالَفَ الْإِسْلَامَ . وَكَذَلِكَ حُكْمُ الْمُرْتَدِّ يَعُودُ إِلَى الْإِسْلَامِ عَنِ الدِّينِ الَّذِي انْتَقَلَ إِلَيْهِ .

"In it (i.e. this hadīth) there is an evidence for that if the kāfir speaks the words of Tawhīd then it is obligatory to refrain from killing him. The Imām said: This is regarding the idol worshipper who does not believe in Tawhīd. If he then says the word of Tawhīd then he is judged as a Muslim and he is then forced to accept all the laws of Islām. But regarding the one who believes in Tawhīd but rejects the prophet-hood then he is not judged as a Muslim only by saying the word of Tawhīd until he also says 'Muhammadun Rasūl-Allāh'. Then if he says it, he is a Muslim unless he is among those who say: 'Muhammad was exclusively sent to the Arabs'. In this case he is not judged as a Muslim by merely acknowledging the message until he acknowledges that he is sent to all of the creation. After this it is preferred to test him regarding acknowledging the resurrection and declaring himself free from every religion other than Islām. And likewise is the judgment of the murtadd (apostate), he returns to Islām by leaving the religion which he went to (when leaving Islām)." (Sharh As-Sunnah by Al-Baghawī)

Regarding this quote we say the same: For every time he mentions what the person must say to enter into Islām, he before that mentions from which people of *kufr* he is. Thus the conditions are subject to knowing the situation of the person. But as for the unknown person regarding whom no *kufr* or *shirk* is known, then no-one has stipulated any more conditions than those established in the *Sunnah*.

Ibn Qudāmah Al-Maqdisī said regarding this issue:

الْفَضْلُ الثَّانِي : أَنَّهُ إِذَا ثَبَّتَتْ رِدَّتُهُ بِالْبَيِّنَةِ ، أَوْ غَيْرِهَا فَشَهِدَ أَنْ لَا إِلَهَ إِلَّا اللَّهُ ، وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ ، لَمْ يُكْشَفْ عَنْ صِحَّةِ مَا شَهِدَ عَلَيْهِ بِهِ ، وَخُلِّيَ سَبِيلُهُ ، وَلَا يُكَلَّفُ الْإِقْرَارَ بِمَا تُسَبِّحُ إِلَيْهِ ؛ لِقَوْلِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ { أُمِرْتُ أَنْ أَقَاتِلَ النَّاسَ حَتَّى يَقُولُوا : لَا إِلَهَ إِلَّا اللَّهُ . فَإِذَا قَالُوا عَصَمُوا مِنِّي دِمَاءَهُمْ وَأَمْوَالَهُمْ إِلَّا بِحَقِّهَا ، وَحَسَابُهُمْ عَلَى اللَّهِ عَزَّ وَجَلَّ } . مُتَّفَقٌ عَلَيْهِ . وَلَا نَزَّ هَذَا يَثْبُتُ بِهِ إِسْلَامُ الْكَافِرِ الْأَصْلِيِّ فَكَذَلِكَ إِسْلَامُ الْمُرْتَدِّ ، وَلَا حَاجَةَ مَعَ ثُبُوتِ إِسْلَامِهِ إِلَى الْكُشْفِ عَنْ صِحَّةِ رِدَّتِهِ . وَكَالِدُ الْحَزَقِيِّ مُحْمُولٌ عَلَى مَنْ كَفَرَ بِجَحْدِ الْوَحْدَانِيَّةِ ، أَوْ جَحْدِ رِسَالَةِ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَوْ جَحْدِهَا مَعًا ، فَأَمَّا مَنْ كَفَرَ بِغَيْرِ هَذَا ، فَلَا يَحْصُلُ إِسْلَامُهُ إِلَّا بِالْإِقْرَارِ بِمَا جَحَدَهُ . وَمَنْ أَقَرَّ بِرِسَالَةِ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَنْكَرَ كَوْنَهُ مَبْعُوثًا إِلَى الْعَالَمِينَ ، لَا يَثْبُتُ إِسْلَامُهُ حَتَّى يَشْهَدَ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ إِلَى الْخَلْقِ أَجْمَعِينَ ، أَوْ يَتَبَرَّأَ مَعَ الشَّهَادَتَيْنِ مِنْ كُلِّ دِينٍ يُخَالِفُ الْإِسْلَامَ . وَإِنْ زَعَمَ أَنَّ مُحَمَّدًا رَسُولُ مَبْعُوثٍ بَعْدَ غَيْرِ هَذَا ، لَزِمَهُ الْإِقْرَارُ بِأَنَّ هَذَا الْمَبْعُوثَ هُوَ رَسُولُ اللَّهِ ؛ لِأَنَّهُ إِذَا افْتَصَرَ عَلَى الشَّهَادَتَيْنِ ، اخْتَمَلَ أَنَّهُ أَرَادَ مَا اعْتَقَدَهُ . وَإِنْ اِزْتَدَّ بِجُحُودٍ فَرَضَ ، لَمْ يُسْلِمَ حَتَّى يُقَرَّ بِمَا جَحَدَهُ ، وَيُعِيدَ الشَّهَادَتَيْنِ ؛ لِأَنَّهُ كَذَّبَ اللَّهَ وَرَسُولَهُ بِمَا اعْتَقَدَهُ . وَكَذَلِكَ إِنْ جَحَدَ نَبِيًّا ، أَوْ آيَةً مِنْ كِتَابِ اللَّهِ تَعَالَى ، أَوْ كِتَابًا مِنْ كُتُبِهِ ، أَوْ مَلَكًا مِنْ مَلَائِكَتِهِ الَّذِينَ ثَبَّتَ أَنََّّهُمْ مَلَائِكَةُ اللَّهِ ، أَوْ اسْتَبَاحَ مُحَرَّمًا ، فَلَا بُدَّ فِي إِسْلَامِهِ مِنَ الْإِقْرَارِ بِمَا جَحَدَهُ .

"The second settlement: If the riddah (apostasy) is established with clear proof or other than this and he bears witness to Lā ilāha illa Allāh and Muhammadu Rasūl-Allāh then this does not uncover the correctness of what he has borne witness to with it and he is left alone and he is not demanded to acknowledge that which he has ascribed himself to, due to the words of the Prophet (sallAllāhu 'alayhi wa sallam): 'I have been ordered to fight the people until they say Lā ilāha illa Allāh. So if they say it then they have saved their blood and wealth from me, except by its right. And their account is with Allāh the Mighty and Majestic' (agreed upon). Because this establishes the Islām of the kāfir aslī and likewise the Islām of the murtadd. And the words of Al-Khiraqī are attributed to the one who commits kufr by rejecting al-wahdāniyyah (Allāh's Oneness i.e. Tawhīd) or rejects the Message of Muhammad or rejects both of these. But regarding the one who commits kufr by other than this then his Islām is not achieved except by acknowledging that which he has rejected. The one who acknowledges the Message of Muhammad (sallAllāhu 'alayhi wa sallam) but rejects the fact that he is sent to all of the creation, then his Islām is not established until he bears witness that Muhammad is the Messenger of Allāh to all of the creation or he along with the two testimonies declares himself free from every religion that contradicts Islām. If he claims that Muhammad is a messenger which will be sent and not him (which was sent to Quraysh), then he must also acknowledge that this sent person is the Messenger of Allāh. This is because if he shortens the two testimonies then it is possible that he meant that which he already believes. If he commits riddah by rejecting an obligatory act of worship then he does not become Muslim until he acknowledges that which he has rejected. And likewise if he rejects a prophet, a verse from the Book of Allāh, a book from among His books, and angel from among the angles where it has been established that they are the angles of Allāh or he allows something

forbidden then he must – in order to enter into Islam – acknowledge that which he has rejected.”
(Al-Mughnī by Ibn Qudāmah)

Pay attention now:

“The one who acknowledges the Message of Muhammad (sallAllāhu ‘alayhi wa sallam) but rejects the fact that he is sent to all of the creation, then his Islām is not established until he bears witness that Muhammad is the Messenger of Allāh to all of the creation or he along with the two testimonies declares himself free from every religion that contradicts Islām.”

His *kufr* is known, and based upon what is known regarding him the conditions for accepting his Islām are set.

“If he claims that Muhammad is a messenger which is yet to be sent and not him (which was sent among Quraysh), then he must also acknowledge that this sent person is the Messenger of Allāh.”

His *kufr* is known, and based upon what is known regarding him the conditions for accepting his Islām are set.

“And likewise if he rejects a prophet, a verse from the Book of Allāh, a book from among His books, and angel from among the angles where it has been established that they are the angles of Allah or he allows something forbidden then he must – in order to enter into Islam – acknowledge that which he has rejected.”

His *kufr* is known, and based upon what is known regarding him the conditions for accepting his Islām are set.

And was it not because it would have been too long, we could have mentioned all the quotes which they use, so the reader can see that all the conditions which are mentioned are based upon the known *kufr* of the person for which they are set.

So where in any of these quotes do you find the unknown person showing the apparent signs of Islām? Bring us a clear quote where the scholars said:

*“And if he is unknown, then his Shahādah and prayer are not accepted as signs of the outwardly Islām until he is tested in the types of *kufr* which are spread in the place where he lives.”*

You cannot find it, because it does not exist. Thus it becomes clear that the applicable principles in this issue are as mentioned:

1) If a person is unknown or a *kāfir aslī* that has nothing to do with Islām, then the apparent signs of Islam are accepted from him and the name and judgments of Islām are applied upon him.

2) If the deviant *'aqīdah*, the *shirk* or the *kufr* of a person is well-known and this person along with this ascribes himself to Islām, then he is not judged as a Muslim until he declares himself free from the *shirk*, *kufr* or deviant *'aqīdah* he was upon.

This is the Sunnah of the Messenger of Allah (*sallAllāhu 'alayhi wa sallam*) and that which the *Salaf* have believed in and explained in this issue.

We ask Allah – the Exalted – to show us the truth as the truth and provide us with following it, and to show us the falsehood as falsehood and provide us with staying away from it.

O Allāh. Whoever from this *Ummah* who is not upon the truth while he thinks he is upon the truth, then return him to the truth so he may be from the people of the truth.

And may the peace and abundant blessings be upon Muhammad, his family, his companions and whoever followed them in goodness until the Day of Judgment,

Allāhumma Āmīn.

Written by: Abū Hājar